

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

AUSTIN DIVISION

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WESTERN DISTRICT OF TEXAS
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WOMACK+HAMPTON ARCHITECTS,	§	
L.L.C.,	§	
Plaintiff,	§	
	§	
V.	§	
	§	A-01-CA-591JRN
METRIC HOLDINGS LTD.,	§	
PARTNERSHIP, CHILES ARCHITECTS,	§	
INC., and TRAMMEL CROW	§	
RESIDENTIAL COMPANY, et al.,	§	
Defendants.	§	

ORDER DIRECTING THE FILING OF BRIEFS

Before the Court is the above-referenced case. On January 16, 2003, the Chief United States District Judge James R. Nowlin issued an order consolidating Cause No. A-02-CA-793JRN with the above-numbered case, and referring the consolidated case to the undersigned for a Report and Recommendation as to the merits of all dispositive motions pursuant to 28 U.S.C. § 636(b), Rule 72 of the Federal Rules of Civil Procedure, and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, and for a determination on the merits of all non-dispositive motions pursuant to 28 U.S.C. 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C to the Local Rules of the United States District Court for the Western District of Texas.


On October 10, 2002, the undersigned issued a Report and Recommendation (Doc. #214) on the following motions: Motion for Partial Summary Judgment of the Crow Defendants on Issue of Damages

filed May 22, 2002 (Doc. #69); Plaintiff Womack+Hampton's Response and Opposition to Crow Defendants' Motion for Summary Judgment on the Issue of Damages and Cross-Motion for Partial Summary Judgment that Plaintiff is Entitled to Damages for Copyright Infringement filed June 5, 2002 (Doc. #76); Reply to Plaintiff's Response to Motion for Partial Summary Judgment of the Crow Defendants on Issue of Damages filed June 14, 2002 (Doc. #88); and Crow Defendants' Response to Plaintiff's Cross-Motion for Partial Summary Judgment that Plaintiff is Entitled to Damages for Copyright Infringement filed June 18, 2002 (Doc. #94). The Report and Recommendation recommended that the District Court grant the Motion for Summary Judgment of the Crow Defendants on Issue of Damages and order that the amount of damages Plaintiff may seek to recover be limited by contract, specifically by the terms of the subject Owner Architect Agreements at issue in the case. The Report and Recommendation further recommended that the District Court deny Plaintiff's Cross-Motion for Partial Summary Judgment that Plaintiff is Entitled to Damages for Copyright Infringement. The Report and Recommendation is still pending before the District Court for final review and ruling.

In light of the consolidation in this case, the undersigned has determined that the Report and Recommendation should be revisited due to the addition of parties and facts in this case. Accordingly,

the Court **ORDERS** that the parties in the case file with the Court additional briefing of the above-listed motions for the Court's consideration in light of the additional parties and facts in this consolidated case **by 5:00 p.m. Thursday, January 23, 2003.** After considering the briefs, the undersigned will issue an Amended Report and Recommendation on the above-listed motions.

SIGNED this 17th day of January, 2003.


STEPHEN H. CAPELLE
UNITED STATES MAGISTRATE JUDGE